

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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LANDMARK EDUCATION CORPORATION,

Plaintiff,

-against-

THE CONDE NAST PUBLICATIONS, INC.,
d/b/a SELF MAGAZINE, ADVANCE MAGAZINE
PUBLISHERS, INC. d/b/a SELF MAGAZINE
and DIRK MATHISON,

Defendants.
-----X

(E)
Index No. 114814/93

VERIFIED ANSWER TO
AMENDED COMPLAINT

FILED
JUL 21 1993
COUNTY CLERK'S OFFICE
NEW YORK

Defendants The Conde Nast Publications, Inc. d/b/a
Self Magazine and Advance Magazine Publishers Inc. d/b/a Self
Magazine ("defendants"), by their attorneys, Satterlee Stephens
Burke & Burke, as and for their Answer to the Amended Complaint
herein, allege as follows:

NATURE OF THE ACTION

FIRST: Deny each and every allegation contained in
paragraph 1 of the Complaint, except admit that the Complaint
purports to state a claim for damages based on allegedly false
and defamatory statements, and admit that jurisdiction and venue
are proper in this Court.

PARTIES

SECOND: Deny knowledge or information sufficient to
form a belief as to the truth of the allegations contained in
paragraph 2 of the Complaint.

THIRD: Deny each and every allegation contained in
paragraph 3 of the Complaint, except admit that The Conde Nast
Publications is a division of Advance Magazine Publishers Inc.,

which publishes and distributes a monthly magazine known as Self magazine, a publication doing business in New York County which has offices located at 350 Madison Avenue, New York, New York 10017.

FOURTH: Admit the allegations contained in paragraph 4 of the Complaint.

FOURTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Complaint, except admit that Dirk Mathison is a professional journalist who researched and authored an article entitled "White Collar Cults -- They Want Your Mind," that appeared in the issue of Self magazine dated February 1993.

BACKGROUND

FIFTH: Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 6 through 13 of the Complaint, inclusive.

CAUSE OF ACTION

SIXTH: With respect to the allegations contained in paragraphs 14 through 16 of the Complaint, inclusive, defendants admit that an article entitled "White Collar Cults -- They Want Your Mind" was written by defendant Mathison and published in the issue of Self magazine dated February, 1993, and beg leave to refer to a true and accurate copy of the magazine and the article contained therein, for the contents thereof in proper context.

SEVENTH: Deny each and every allegation contained in paragraphs 17 and 18 of the Complaint, and beg leave to refer to a true and accurate copy of the magazine and the article contained therein, for the contents thereof in proper context.

EIGHTH: Deny each and every allegation contained in paragraphs 19 through 25 of the Complaint, inclusive.

NINTH: Deny each and every allegation contained in paragraph 26 of the Complaint, except admit that plaintiff sent a written request to Self magazine for a retraction of the statements complained of, admit that the request was denied, and beg leave to refer to a true and accurate copy of the correspondence for the contents thereof in proper context.

TENTH: Deny each and every allegation contained in paragraphs 27 and 28 of the Complaint.

AS AND FOR A FIRST
AFFIRMATIVE DEFENSE

ELEVENTH: The Complaint fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND
AFFIRMATIVE DEFENSE

TWELFTH: The statements complained of are substantially true.

AS AND FOR A THIRD
AFFIRMATIVE DEFENSE

THIRTEENTH: The statements complained of are a fair and impartial account of events of public concern and are thus privileged.

AS AND FOR A FOURTH
AFFIRMATIVE DEFENSE

FOURTEENTH: The statements complained of are protected under the First and Fourteenth Amendments to the United States Constitution and under the Constitution of the State of New York.

AS AND FOR A FIFTH
AFFIRMATIVE DEFENSE

FIFTEENTH: The statements complained of are not of and concerning plaintiff.

AS AND FOR A SIXTH
AFFIRMATIVE DEFENSE

SIXTEENTH: Plaintiff, by reason of its activities and position at or about the time of the publication complained of, was a public figure. The statements complained of, to the extent they could be of and concerning plaintiff and could be false, were published in good faith and are constitutionally protected under the standards set forth in New York Times v. Sullivan.

AS AND FOR A SEVENTH
AFFIRMATIVE DEFENSE

SEVENTEENTH: The statements complained of pertain to a matter of public interest. To the extent the statements could be of and concerning plaintiff and could be false, the statements were published in good faith without gross irresponsibility and are protected under the standards set forth in Chapadeau v. Utica Observer-Dispatch, Inc., and its progeny.

AS AND FOR AN EIGHTH
AFFIRMATIVE DEFENSE

EIGHTEENTH: The statements complained of qualify as protected opinion.

AS AND FOR A NINTH
AFFIRMATIVE DEFENSE

NINETEENTH: The statements complained of are not reasonably susceptible of a defamatory meaning.

AS AND FOR A TENTH
AFFIRMATIVE DEFENSE

TWENTIETH: The statements complained of are a fair and true report of a judicial, legislative, or other official proceeding, and as such are privileged and protected by Section 74 of the New York Civil Rights Law and common law.

AS AND FOR AN ELEVENTH
AFFIRMATIVE DEFENSE

TWENTY-FIRST: The statements complained of are not libelous per se and plaintiff has failed to allege facts sufficient to warrant the imposition of alleged special damages.

AS AND FOR A TWELFTH
AFFIRMATIVE DEFENSE

TWENTY-SECOND: Plaintiff has failed to allege facts sufficient to warrant the imposition of any alleged general damages.

AS AND FOR A THIRTEENTH
AFFIRMATIVE DEFENSE

TWENTY-THIRD: Plaintiff has failed to allege facts sufficient to warrant the imposition of any alleged exemplary or punitive damages.

AS AND FOR A FOURTEENTH
AFFIRMATIVE DEFENSE

TWENTY-FOURTH: The imposition of exemplary or punitive damages in this case would violate the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of New York.

AS AND FOR A FIFTEENTH
AFFIRMATIVE DEFENSE

TWENTY-FIFTH: Defendant did not breach any standard of care owed to plaintiff.

AS AND FOR A SIXTEENTH
AFFIRMATIVE DEFENSE

TWENTY-SIXTH: Plaintiff cannot sustain this action because it is libel-proof.

AS AND FOR A SEVENTEENTH
AFFIRMATIVE DEFENSE

TWENTY-SEVENTH: Plaintiff cannot sustain this action because the statements complained of, to the extent they could be of and concerning plaintiff and could be false, did not cause any incremental harm to it beyond the non-libelous or privileged statements in the Article.

WHEREFORE, defendants The Conde Nast Publications, Inc. d/b/a Self Magazine and Advance Magazine Publishers Inc. d/b/a Self Magazine demand judgment dismissing the Complaint,

together with such costs and disbursements of this action and such other and further relief, including reasonable attorney's fees, as the Court deems appropriate.

Dated: New York, New York
July 14, 1993

Respectfully submitted,

SATTERLEE STEPHENS BURKE & BURKE
Attorneys for Defendants
THE CONDE NAST PUBLICATIONS,
INC., d/b/a SELF MAGAZINE and
ADVANCE MAGAZINE PUBLISHERS INC.
d/b/a SELF MAGAZINE
230 Park Avenue
New York, New York 10169
(212) 818-9200

VERIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)


ROBERT SCRAGG, being duly sworn, deposes and says:

1. I am the Assistant Treasurer of Advance Magazine Publishers Inc.

2. I have read the foregoing Verified Answer to Amended Complaint and know the contents to be true, except as to those matters which are stated upon information and belief, and as to those matters, to the best of my information and belief, I believe they are true. The basis of my knowledge is conversations with employees and review of company records.


ROBERT SCRAGG

Sworn to before me this
14TH day of July, 1993


Notary Public
STUART LASKY
Notary Public, State of New York
No. 41-4965235
Qualified in Queens County
Commission Expires April 18, 1994

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

The undersigned, being duly sworn, deposes and says:

1. I am not a party to this action, am over 18
years of age and reside at 454 W 47th St Apt 2R.
NYC NY 10036

2. That on July 20, 1993, deponent personally
served a true copy of the annexed Verified Answer to Amended
Complaint upon:

Morrison Cohen Singer & Weinstein
Attorneys for Plaintiff
750 Lexington Avenue
New York, New York 10022

by delivering same to receptionist.

Cornelius Verick

Sworn to before me this
20th day of June, 1993.

Rosann M. Fabian
Notary Public

ROSANN M. FABIAN
NOTARY PUBLIC, State of New York
No. 30-4861941
Qualified in Nassau County GA
Commission Expires June 16, 1994